THE COURTS.

Mayor Havemeyer's Raid on Night Auctions.

Important Decision in the Taylor Will Case.

A CUSTOM HOUSE SUIT.

Proceedings in the Oyer and Terminer and General Sessions.

Commissioner John A. Shields has received several applications to take testimony regarding claims to be presented to the Court of Commisstoners on Alabama claims.

In the United States District Court, in the mat-ter of Horace Brooks, assignee in bankruptcy of Adophus D'Orville, Judge Shatchford rendered yesterday a decision. He holds that the preended sale of the fixtures and furniture of the Improvement and Indemnity Company of the city concerns the assignee, the sale having been lected when the company was insolvent. The Judge directs the Master to ascertain and report the amount due to the plaintist.

William Hastings, claiming to have formerly practised in the federal courts of California, courts with "lilegal, corrupt and highly criminal He memorialized Congress on the bject, and his petition was referred to the Judiciary Committee of the House. He charged this committee with suppressing the evidence, and therefore instituted suit against the committee, individually and severally, for \$50,000 damages. Benjamin F. Butler, one of the committee, retained John E. Devlin as counsel, and the latter moved in the United States District Court, before Judge Woodruff, for an order directing Hastings to file security for costs, or, in default of this being done, that a noile prosequi be entered. Mr. Devim was on hand yesterday, but the complaining counsel, who conducts his own case, failed to put in an appearance, and so a noise prosequi was entered as regards Mr. Devlin's dis-

AUCTION SALES AT NIGHT.

flow Captain Leary, of the Police Department, through orders from the Mayor, caused Mr. S. J. Dilon and other auctioneers to cease from auction sales at might, and how, as the basis of this course was evoked on an old statute of 1817, these parties, feeling aggrieved in their business, invoked the judicial interference of Judge Larremore, of the Court of Common Pieas, has been published in the Herald. Judge Larremore yesterday gave his decision denying the motion, for the following reasons, embodied in a briefly written opinion:—'A public officer clothed with statute authority to perform certain duties should not be restrained in the exercise, but only in the abuse of his official functions. By section 4, chapter 188, of the Laws of 1888, the Mayor Bas power to hear complaints against auctioneers, commit for trial, &c. Until some such action is taken by him in the premises which is clearly shown to exceed his authority a court of equity will not interfere. The plaintiff has no right to complaint, in furtherance, his suctioneer is to be prosecuted for an alleged violation of the statute. On such prosecution the validity of his acts can be fully tried and determined. The Mayor in such a case acts judicially, and his right to do so should not be interfered with or restrained except by a review of his determination by due course of haw. The injunction is dissolved and the application for a permanent injunction denied." voked the judicial interference of Judge Larre-

THE TAYLOR WILL CASE.

Several days ago application was made to Judge conclue, holding Special Term of the Supreme Court, for a writ of prohibition restraining the and Mrs. Taylor as executrix of the will of James B. Taylor and such executor and executrix from harging their duties as such. The application was based on the late decision of the Court of Appeals, reversing the decision of the Surrogate admitting the will to produce. Judge Denohue yesterday granted ine application, giving his reasons for doing so in the following opinion, written in his usual terse and anti-circumiocutionary style:—"The object of the prohibition asked is to stay the Surrogate's proceedings in paying debts and making other orders concerning the disposition of money now in the hands of Mrs. Taylor and Mr. Tracy, as executrix and executor of James B. Taylor, decased; all the power which those parties ever had assumes the right of the Surrogate to appoint them (which I do not), and that has been revoked by the reversal of his judgment. It seems to me that, where the case is in court, as it is, it is proper for the Court to stay the disposition of the estate until the questions of who are the proper persons to distribute and who the persons interested in it are determined. Motion granted." was based on the late decision of the Court of

A SUIT ABOUT LACE.

in the United States Circuit Court, before Judge Nathaniel Shipman and a jury, the case of Messrs. E. F. Jadray & Co., of this city, against Thomas Murphy, ex-Collector of the port, was yesterday brought on for trial for the third time. On the two previous occasions the jury failed to agree. The plaintiffs imported a quantity of lace, and on this the Collector demanded an ad valorem duty of sixty per cent. This demand was based on the claim of the Collector that the lace in question was silk lace, and came within the meaning of the was silk lace, and came within the meaning of the tariff act of June 20, 1864. The plaintlins, Messra, Jaffray & Co., under protest, paid the amount of duty demanded of them by the Collector, and then instituted the present suit to recover \$1,000 as the excess of duty paid on the goods. The claim of the plaintliffs is that the lace imported by them, excess of duty paid on the good priced by them, the plaintiffs is that the lace imported by them, and which is the subject of the present action, is not silk like but only thread lace, and that, under the terrif acts of March, 1861, and July, 1862, it is only hable to a duty of 30 per cent ad valorem. The question to be determined in this legal controversy is whether the lace is known in the market and to persons in the trade as silk lace or as thread lace. The trial will occupy two or three days, and the result will probably determine several other cases of a similar character, the present hang a test one.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-SPECIAL TERM.

Taxing a Benevolent Corporation.

Before Judge Van Brunt. In 1867 the Howard Mission and Home for Little Wanderers leased certain premises in Roosevelt street, to be used by their society, stipulating in the lease to pay a certain amount of rent and the taxes. The rent was paid, but the taxes were not. Subsequently they bought the premises, when, on subsequently they bought the premises, when, on still refinsing the tax claim against them, the comptroller stepped in and soid them out. Application was made to restrain the Comptroller from giving a title deed to the purchaser. The case came up for argument yeard day in this Court. It was arged that the institution, under a state statute, was exempt from payment of taxes, and that the Board of supervisors had so exempted it. In opposition it was arged that the institution was not exempt for 1867, the year in dispute, insamuch as it was not their property when taxed. Junge Van Brunt took the papers, reserving his decision.

COURT OF OYER AND TERMINER.

There was a large crowd in attendance at this Court yesterday, Judge Barrett being on the Two cases of rather more interest than the ordinary run of cases were on the day's caiendar, one being a charge of attempted shooting of a paraner and the other a charge of manslaughter. Mr. William F. Howe defended both prisoners, the prosecution being conducted by Assistant District Attorney Lyon.

CHARGE OF PELONIOUS ASSAULT. The prisoner in the first case was William Dick, a rather pleasant and decidedly barmless looking man. The indictment charged him with shooting at Colin Carmicael. Among the jurors wa Andrew Jackson Davis, the well known Spiritnalpartners in the plumbing bushess, at No. 676 flewenth avenue. A dispute in regard to their bushess matters arose between them, which, as alleged, Dick attempted to bring to a speedy termination by firing at Carmichel with a pistol. The delence was that the pistol went off accidentally. Mr. Howe subjected the witnesses for the

prosecution to a rigid cross-examination, and through his own witnesses showed that the prisoner was under lear of Carmichel and personally in danger or his life. The jury, at all events, evidently got a good deal mixed in their views. They brought in a verdict of "assault with a deadly weapon;" but Judge Barrett said this was no verdict under the statute and sent them back again. After some two hours' deliberation they came into court, and on it being announced that they could not agree, and that there was no probability of their agreeing, they were discharged.

SHOOTING IN A SALORS' BOARDING HOURS.
Patrick Van Twisten, formerly barkeeper in the sailors' boarding house corner of Cherry and Oliver streets, was next placed on trial for shooting and killing John Crowe. The circumstances of the shooting were given in full at the time in the Herald, and need only to be briefly recited. On the 20th of August the deceased went into the place stated, played cards with a third party, and, having ordered drinks, would not pay for them, saying he had no money. The prisoner then ordered him to leave, which he did, but shortly returned and threw a stone at the prisoner then ordered that the shots were fired in self-defence, and that the deceased was in the act of litting a chair to assault the barteader when the latter fired. All the testimony was submitted, and, it being late, the Court adjourned till this morning, when Mr. Howe will sum up for the defence.

SUPREME COURT-CHAMBERS

Decisions. By Judge Lawrence.
Scofield vs. Scofield,—Order granted.
Keary vs. Warren,—Granted.
Weeer vs. Weber,—Memorandum.
Andrews vs. North America N. & Company.—
Jemorandum.

Memorandum.
Gouriey vs. Campbell.—Memorandum.
Gregory vs. Hagelen.—Memorandum.
By Judge Donohue.
The People, &c., vs. Hutchings.—Opinion.
Matter of caurch.—Order granted.

SUPERIOR COURT-SPECIAL TERM AND

Decisions. By Judge Cartis. Ruggles as Receiver, &c., vs. Wilmont.—Proposed Raggies as Receiver, &c., vs. without.—Proposed order settled.

Barnard et al. vs. The Mayor, &c.—Motion for bill of particulars of defendants' counter claim granted in part. See memorandum.

Hewlett et al. vs. National Bank of the State of New York.—Demurrer sustained with case to plaintiffs, to amend, &c., in twenty days. (See memorandum.)

By Judge Speir. Weston vs. Ritchana.—Motion granted. memorandum.)
Steinberg vs. Worms.—Motion denied with costs. (See opinion.) Wright vs. Bitziman.—Judgment ordered in the

verdict. (See opinion.) Jackson vs. Titus.—Order granted. COMMON PLEAS-SPECIAL TERM. Decisions.

By Judge Larremore.

Morris vs. Morris.—Divorce granted.
Deliau vs. William F. Havemeyer as Mayor, &c.—
Injunction dissolved. (See decision.)
Meyers et al. vs. The Mayor, &c.—Injunction dissolved. (See decision in Delau case.)

MARINE COURT-CHAMBERS.

Decisions.

By Judge Alker.

By Judge Alker.

Junker vs. Mendoze; Scringer vs. Schneider; Stuart vs. Fox; Abarbaneli vs. Samuel; Rykert vs. Buggles; Levy vs. Bartiestone; Granam vs. Trimble; Brumier vs. Hissen; Moore vs. Schefer.—Mobie; Brumier vs. Hissen; Moore vs. Schefer.—Mo-

tions granted.

Melick vs. Mendel; Markthaler vs. Frey; Pleischhauer vs. Sperry.—Motions denied, with \$10 costs.

Wilhams vs. Maurer; Waseman vs. Smith.—Dewithams vs. Maurer; waseman vs. Smith, —Defendants' default noted.

New York Gasirent Company vs. McKinley.—Motion to open default granted on terms.

Collins vs. The Irish National Publishing Company.—Motion denied.

Jessunen vs. Kurule: Moreth vs. Heisch: Juness pany.—Motion denied.

Jessunen vs. Kurizle; Moreth vs. Heisch; Juness vs. Turke et al.—Motions denied, with \$10 costs.

COURT OF GENERAL SESSIONS.

Petit Larceny. Before Judge Sutherland.

John Bryson, a youth who was charged with ourgiariously entering the premises of John Dalley, in West street, on the night of the 28th of October, and stealing two bundles of wheel spokes, was advised by Mr. Abe Hummel, his counsel, to plead guitty to petit larceny. The prosecuting officer accepted the plea and the Judge sent the boy to the Penitentiary for six months.

Burgiary.
Patrick Malone and John Tinan, who were caught in the act of breaking into the shoe store cangut in the act of oreasing into the snoe store of isidore Shaw, No. 158 avenue A, on the lat of this month, and stealing twenty-six pairs of shoes, pleaded guity to an attempt at burglary in the third degree. They were each sent to the State Prison for two years and six months. Larceny from the Person.

John D. Eddinger pleaded gailty to larceny from the person in stealing, on the 29th of October, a silver neck chain, worth \$3, from Annie Williams, in Thompson street. He was sent to the State Prison for three years and six months,

Carrying a Slungshot. Michael Rochlord pleaded guilty to carrying con-cealed weapons. On the 29th of October Officer Donnelly found a slung shot in his possession. The punishment inflicted was three months' imprisonment in the Pentientiary.

False Pretences. Frank Ennis, alias Frank Hanley, was tried and convicted of obtaining, on the 24th of August, the sum of \$11 from Morris Tasker & Co., by faisely representing that the firm were indebted to william P. Cheary & Co. for the insertion of an advertisement inserted in a directory published by the latter firm. Hanley had been guilty of other similar offences. His Honor sent him to the State Prison for two years and six months. that the firm were indeb

A Plea of Coverture. Charles Miller and his wife Sabina were charged with keeping a disorderly house in Chatham street, and Sabina was further accused of stealing a watch and casin from the person of Frederick Steinberger, of No. 6 Rector street. Counsellor Hogan appeared for the prisoners and showed that whatever disorder occurred on the premises was occasioned by the complainant. The charge of keeping a disorderly house was dismissed, and on a piea of coverture interposed for Miller's wife, she was discharged, and her ausband held for ex-

TOMBS POLICE COURT. Robbed in a Concert Saloon.

Before Justice Morgan.

There was more business than usual transacted at this Court yesterday. The watch returns were large, and consisted mostly of "drunks." Aloise Koehler, of No. 134 Scholes street, Brooklyn, E. D., a verdant looking gentleman, preferred a coma verdant looking gentleman, preferred a com-plaint against Kate Morris, a gaudity dressed, meretricious looking waitress in a saloon in Chatham street, for larceny. He alleged that he went into the premises, called for wine, drank and smoked cigars, became merry and maudin by turns, and finally on leaving the place missed \$275. He charged that when he entered the sa-loon he had \$350 to his wallet, and that Kate Mor-ris was the only person in whose company he had been all the time while there. The prisoner de-nied her guilt, but was held in \$1,000 to answer. Detective Van Buskirk, of the Fourth precinct, made the arrest.

Arrest of a Policy Dealer.

There is a policy shop kept at No. 92 Chatham street. It is a most demoralizing institution to the youth of the neighborhood. Its principal patrons, however, are grown people, of the dusky race and of both sexes. Captain Kennedy, of the Sixth pre-cinct, resolved to break it up, and on Monday de-tailed Detective Dorsey to investigate the matter. On proceeding to the place the detective found one Stephen o'Brien actively engaged in seiling lottery postey tokets, and thereupon arrested him. He was held in \$1,000 to answer.

Larceny of Clothing. Benjamin Davis, of No. 10 York street, was held

to answer on a charge of stealing \$20 worth of clothing from Henry Inlo, of No. 437 Washington street. The property was recovered. JEFFERSON MARKET POLICE COURT.

The Penalty of Interfering.

Before Judge Smith. Arthur J. McGuire, of No. 148 Spring street, had a quarret with his wife on Monday night, and was attempting to beat her badly, when Mrs. McGuire's loud cries for help brought Jacob Snyder, who lives in the same house, into the room. Mr. Snyder endeavored to pacify McGuire and protect his wife from his assaults, but the trate husband suddenly turned on Mr. Snyder and knocked him senseless against the stove. Officer Vallety, of the Eighth precinct, hearing the disturbance, went into the house and arrested McGuire. He was held by Judge Smith yesterday in \$1,000 ball to answer. Mrs. Snyder preferred the complaint, as her husband was unable to appear on account of the injuries received.

Officer Quigley's Capture. omcer Quigley, of the Eighth precinct, while patrolling his post on Sullivan street, on Monday night, saw a woman run out of a house in the neighborhood and a colored man chasing her with a large knile in his hand. Officer Quigley ran toward the man and grabbed him by the neck and held him. A desperate struggle then ensued be-tween the officer and his prisoner, whose name is James Williams, and "Rinsekin." Williams and

PIPTY-SEVENTH STREET POLICE COURT. Owner Wanted for Silverware.

Before Judge Otterbourg. George Pratt, who was arrested last Saturday night on a charge of firing a revolver at George F. pler, of No. 449 Pirst avenue, and two police nieu, was beid for trial at the General Sessions in default of \$1,000 ball. Pawn tickets were found in Pratt's possession representing a quantity of silverware marked U. E. G. and Germain. An owner is wanted at the Twenty-arst precinct station

Alleged Larceny. Herman Sefki, a citizen who has hitherto never been charged with any crime, was arraigned on a charge of stealing a set of harness from Michael Noonan, of No. 174 East Seventy-minth street. The prisoner admitted the theft before his arrest, it is alleged, and the property was found in his posses-sion. He was held for examination.

Was It a Larceny;
Michael J. Black, of No. 638 Second avenue, and
William H. Hughes, a butcher, of No. 307 East Thirty-third street, were charged with the larceny of a gold watch, worth about \$20. Philip G. Goffrom, of No. 234 Greenwich about \$20. Philip G. Goffrom, of No. 234 Greenwich avenue, Guttenberg, N. J., the compisinant, testified that the waten belonged to his mother. He is a boy, and it appeared he came over to this city, running away from nome. Wanting money he went to Hughes' piace and made inquiries as to the value of the watch, and, as alleged, Hughes' assistant, Black, fook and pawned it and obtained thereon \$6, but they returned to Goffrom only \$2.50, which he divided with two other boys who were with him. The accused were held in \$1,000 each for examination.

COURT CALENDARS-THIS DAY.

COURT CALEMDARS—THIS DAY.

SUPREME COUST—URCUIT—Part 2—Held by Judge Brady.—Nos. 2098, 2000, 3688, 3610, 161, 160, 1888, 1704, 835, 2568, 2626, 2630, 396, 23, 669, 2622, 2084, 2386, 2746, 266. Part 3—Held by Judge Van Vorst.—Nos. 457, 2001, 1213, 1225, 1911, 3533, 1141½, 1893, 4105, 1943, 483, 1399, 1821, 1127, 1831, 2055, 4077, 2059, 2061 3, 2065, 2069, SUPREME COURT—CHAMBERS—Held by Judge Donobue.—Nos. 10°, 103, 107, 115, 125, 155, 161, 167, 177, 238, 241, 244, 245, 246, 247, 248, 249, 250, 258, 260, 206, 288, 291, 205, 260, 306, 311.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Chris.—Nos. 1122, 1440, 694, 1540, 552, 564, 764, 766, 768, 770, 772, 774, 776, 780, 782, COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Nos. 1711, 1622, 1220, 7164, 1672, 1219, 1221, 712, 1197, 1187, 954, 119, 2236, 2237, 2127.

MARINE COURT—Part 1—Held by Judge Spauld-

1672, 1219, 1221, 712, 1197, 1187, 954, 119, 2236, 2237, 2127.

MARINE COURT—Part 1—Held by Judge Spaulding,—Nos. 114, 556, 463, 455, 456, 458, 1037 8, 474, 1702, 1477, 1241, 412, 589, 559, 559, 560, Part 2—Held by Judge McAdam.—Nos. 1496, 1628, 1366, 179, 1043, 1394, 967, 529, 1500, 2574, 289, 1217, 1381, 536, 552, Part 3—Held by Judge Schea.—Nos. 1520, 1451, 679, 1561, 816, 1195, 1609, 1716, 342, 1365, 1669, 1729, 1732, 1354, 1155.

COURT OF GENERAL SESSIONS—Held by Judge Sutherland.—The People vs. Denmis Sullivan, robbery; Same vs. Patrick McCarthy, robbery; Same vs. Patrick McCarthy, robbery; Same vs. Felice Mazzoli and Luigi Sporse, robbery; Same vs. Peter Hogland, robbery; Same vs. John Donohoe, burglary; Same vs. William white, burglary; Same vs. Louis Buckman, burglary; Same vs. Joseph Barnett, grand larceny; Same vs. Joseph Barnett, grand larceny; Same vs. Joseph Barnett, grand larceny; Same vs. William Reinhardt, larceny from the person; Same vs. John Henoricks, larceny from the person; Same vs. John Henoricks, larceny from the person; Same vs. Annie Reilly, larceny from the person; Same vs. Sarah Albert, larceny from the person; Same vs. Sarah Albert, larceny from the person; Same vs. Walliam Tucker, concealed weapons.

Weapons.

OYER AND TERMINER—Held by Judge Barrett.—
The People vs. Patrick Barry, violating Election laws; Same vs. James M. Cox, violating Election laws; Same vs. Henry Meyers, violating Election laws; Same vs. hichael Foley, violating Election laws.

BROOKLYN COURTS.

SUPREME COURT-CIRCUIT. Heavy Damages Against a Railroad.

Before Judge Gilbert. Yesterday a verdict was obtained in this Court

by Adolphus C. Schaffer, who brought action against the North and South Railroad Company of Georgia. He was awarded a verdict for \$87,000. The plaintiff was employed by the company as agent to sell their bonds amounting to several million dollars at five per cent, and he claimed the amount stated was due him for his services.

CITY COURT-PART 1.

The Middle Village and North Second Street Railroad Litigation-The Dangerous Switch at the Foot of South Seventh Street Not to be Replaced. Before Judge Neilson.

In the case of the North Second Street and Mid. die Village Railroad Company against the City of Brooklyn Judge Neilson rendered his decision yesterday. The suit came up in the form of an application to continue a preliminary injunction re-straining the city from interfering with the plaintiffs in relaying or restoring a turnout or siding formerly used by them. The terminus of the road is at the ferry, foot of South Seventh street, and the contention is as to the precise point north or south be placed. That which is sought to be restored was constructed in 1866, on the west side of First. was constructed in 1866, on the west side of First, between South Seventh and South Eighth streets, where plaintings ears pass from and to the track of another railroad company. It is set forth in the complaint that "the point at which said turntable, turnout or switch was situated is at the entrance of the ferry; that there is a gate there through which passengers and vehicles pass and repass to and from the ferry boats." The plainting claim that the turnout or siding was thus located with the proper consent and authority, and should still be maintained as necessary to their business; and that the act of defendants in removing the same was an improper and unremoving the same was an improper and un-

and should still be maintained as necessary to their business; and that the act of detendants in removing the same was an improper and unauthorized interference.

On the part of the city it is shown that the turnout was not thus located for the accommodation of passengers, as that gate was not constructed until after the siding had been placed and in use; that the cars on the turnout interfere with and hinder the vehicles using that gateway, and that in running to and from that point the cars pass the principal entrance to the lerry and delay and discommode the passengers. The pressure and discommode the passengers. The pressure and discommode the passengers. The pressure and discommode the passengers come and go, that such use by the cars has been dangerous to the people and a nuisance. In deciding the application the Court noids the opinion that the pishitiffs have not such apparant right to be restored to the use of the turnout siding at the ferry gate as to justify granting an order protecting them from the interference of the defendants. The plaintiffs have not such apparant right to be restored to the use of the turnout siding at the ferry gate as to justify granting an order protecting them from the interference of the defendants. The plaintiffs have not such apparant right to be restored to be use of the turnout siding at the ferry gate as to and from the ferry at the foot of South Seventh street. Those words are to be understood as giving them leave to come as near to the lerry as may be necessary, convenient and reasonable. They are not permitted to bring their cars in and upon and across the street and occupy any position in it. Their business has north of that street, when their cars reach the north side of it they are at that street and at the lerry—that is, sufficiently near to the lerry to answer the practical purpose of meeting the wants of passengers and securing their dustom. It seems to the Court that bisiness and travel upon this forry are so great that it would be improper to nave the space tins in a substantial and reasonable degree, and at the same time to give facility and security to the public travel and business. The application is denied.

CITY COURT-PART 2.

Francis D. Mouiton Pleads Not Guilty to the Indictment for Slander.

Before Judge Reynolds. Francis D. Moulton, who is under indictment by the Grand Jury of Kings county for publishing a stander upon the lair fame of laiss Edna Dean Proctor, was early in the City Court, Judge Nellson presiding, yesterday morning, pursuant to agreenent of his counsel that he should plead to the ment of his counsel that he should plead to the indictment. Theodore Tilton accompanied his friend Frank, and, as usual upon their appearance in public, both men attracted considerable attention. Assistant District Attorney Moore called the attention of the Court to the fact that a plea of "not guilty," had been entered by Mr. Moulton in the suit named, and the Court noted the fact. The prosecuting officer for the people then moved that the case be set down for trial and no objection was made to the motion by the counsel for defendant, ex-Judge Morris. This terminated the business of the defendants in the great scandal case with that Court, and they withdrew hurriedly from the hall of justice.

CITY COURT-CHAMBERS.

A Stay of Proceedings Granted. The counsel for the Rev. Henry Ward Beecher, Mr. T. G. Shearman, appeared before Judge Netl-

Quigley clinched and both fell to the ground together. Though several other negroes interfered to help Williams the officer finally succeeded in carrying his prisoner to the station house. He was arraigned at Jefferson Market Police Court yesterday and committed in \$700 ball to answer.

a stay of proceedings be granted in the case of "Tilton vs. Beecher" until such time as argument shall have been heard on the appeal to set saide the decision of the Court denying a "bill of particulars." Argument will be heard by the City yesterday and committed in \$700 ball to answer.

BROOKLYN COURT CALENDARS-THIS DAY. CITY COURT.—Nog. 12, 142, 155, 134, 22, 3, 25, 66, 101, 233, 95, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 219, 220, 221, 232, 224, 225, 227, 228, COUNTY COURT.—Nog. 9, 15, 19, 20, 22, 25, 25, 31, 32, 34.

THE COURT OF APPEALS.

ALBANY, N. Y., Nov. 10, 1874. In the Court of Appeals to-day motions were

In the Court of Appeals to-day motions were heard as follows:—

No. 23. John B. Scholey, Executor, appellant, vs. George Hart Mumford and another, respondent; sand No. 259. Junes Ward, respondent, vs. Philander Spencer, appellant—Motions to dismiss appeal. John E. Bliss, appellant, vs. George H. Gardner, respondent, and John E. Bliss, appellant, vs. Charles H. Lawrence, respondent—Motions for a reargument submitted. The Mahnattan Brass Mannfacturing Company, appellant, vs. Henrietts H. Thompson, respondent—Motion for a reargument and papers submitted.

The following appeals from orders were also argued:—No. 51. The People, &c., respondent, vs. Henry W. Genet, appellant; W. A. Beach for appellant and District Attorney Fellows for respondent. No. 53. The People, &c., respondent, vs. Win. H. Florence, impleaded, &c., appellant. No. 54. The People, &c., ex rel., George H. Presmeyer vs. The Board of Police, &c., of the City of Brookiya and another. No. 58. The People, &c., ex rel., George H. Presmeyer vs. The Board of Police, &c., of the City of Brookiya and another. No. 52. The New Work Juvenile Asylmin, defendant in error; papers submitted. No. 62. John H. White, respondent, vs. Jane E. Coulter and another, appellant; judgment affirmed by default.

The general calendar was then cailed, and the following cases were heard:—No. 1. Alfred Mitchell, plaintiff in error, vs. the People, &c., defendants in error. Argued. Caso still on.

The day calendar for to-morrow its as follows:—Nos. 3, 6, 7, 8, 9, 11, 12, 15.

Decisions in the Court of Appeals, Tuesday, November 10:—

Judgment affirmed with costs.—The People explored and affirmed with costs.—The People explored affirmed with costs.—The People ex

Nos. 3, 6, 7, 8, 9, 11, 12, 15.

Decisions in the Court of Appeals, Tuesday, November 19:—

Judgment affirmed with costs.—The People ex rel Hogan vs. Morgan; McKechnis vs. Ward; Carpenter vs. O'Dougherty; Kendail vs. The Holland Purchase Insurance Company; Blewett vs. Baker; Roberts vs. Johnson; Phillips vs. Conkin; Parker vs. The Arctic Fire Insurance Company; Amory vs. Amory; Amory vs. Amory; Amory vs. Amory; Murray vs. Clark.

Judgment affirmed.—Wenzier vs. The People;

Uoleman vs. The People.

Judgment reversed and new trial granted, costs to abide the event.—The People vs. Fleids; Hinckley vs. Kreitz; Smith vs. Isaacs; Thornail vs. Pitt; Dutcher vs. The Importers and Traders' National Bank.

National Bank.
Order affirmed with costs,—Genet vs. Daven-

port.
Order granting new trial reversed and judgment for plaintiff affirmed with costs.—Wells vs.

Order granting new trial reversed and judgment for plaintiff affirmed with costs.—Wells vs. Weaver.
Order granting new trial affirmed and judgment absolute for defendant on stipulation, with costs.—Alien vs. Fourth National Bank of New York; Kilbourne vs. St. John.
Motion denied without costs.—Tiffany vs. Farr. Judgment modified, so as to allow claim against the receiver in favor of the respondent for \$2,000 and interest from November 5, 1866, without costs as to either party in this Court.—McCullough vs. Norwood.

Norwood.

Order of Supreme Court reversed and judgment on report of referee affirmed with costs.—The Delaware, Lackawanna and Western Company vs. Order granting new trial affirmed and judgment

Order granting new trial affirmed and judgment absolute for detendant, with costs.—Prindie vs. Beveridge; Lytle vs. Beveridge.

Order of General Term reversed and case remitted for hearing upon the merits, without costs as to either party in this court.—Brown vs. Brown. Ordered that all proceedings be suspended on this motion and appeal so that plaintiffs may bring action to set aside agreement of Fellows and Heermans to discontinue, &c., without costs.—Hill vs. Heermans.

THOMAS C. FIELDS.

The Court of Appeals Decides in Favor of Fields in the Suit Brought Against Him by the State for Alleged Fraud on the Engine Companies.

ALBANY, N. Y., Nov. 7, 1874.

The Court of Appeals to-day decided the case of

the People of the State, respondents, against Thomas C. Fields, appellant, in favor of the appellant, reversing the decisions of the lower courts. The action on which the appeal was based was brought to recover the moneys for which judgment was recovered upon the allegation that they were unlawfully and fraudulently paid by the Comptroller of the city of New York to Fields as the assignee of several parties who claimed pay as members of certain engine companies of that city under an certain engine companies of that city under an act of the Legislature of 1869. Verious allegations of fraud were made in the complaint, all of which Fields denied in his answer, and of which no proof was given on trial. The complaint charged collusion between the several officers of the city and county of New York and Fields to shield him from prosecution for recovery of these moneys. This was denied in the answer, and was unsustained by any proof upon the trial. The complaint further charged that defendant was a member of the Legislature of 1870, and voted for the act of that year affecting the subject matter of the issue and organized measures for procuring its passage. The answer admitted the alleged membership and vote, but averred that the provision in question was a section of the city tax levy, and that Mr. Fields' vote was for the general act, without knowledge that it contained the section in question. It also denied that he arranged or organized measures to procure the passage of the act. On this latter point no proof was given. Judgment was rendered against Fields for \$554,002 73 at the Albany Circuit Court in the summer of 1873, and the same was affirmed at the General Term in March of the present year. The decision of the Court of Appeals reverses the decision of the court of Appeals reverses the decision of the lower courts and grants a new trial. The opinion, which is partially based on the discussion in the Ingersoil case, and contains a lengthy quotation from that opinion, is written by Judge Folger. Judges Johnson, Andrews and Grover concur. Chief Justice Church and Judge Rapello dissent. Judge Allen was absent when the case was argued. act of the Legislature of 1869. Various allegations

THE WASHINGTON CONSPIRACY.

The Demolition of Previous Evidence Continuing-Attempted Intimidation of a Witness-How Hayes Got \$50. WASHINGTON, NOV. 10, 1874.

The trial of the alleged sale burglary conspira tors was renewed to-day. The general panel of jurymen were discharged from further attend ance upon this Court the Judge remarking that this case would occupy nearly all the time between this and the next term, which would commence on the first Monday in December.

Fred. Harrington sworn-Is a Lieutenant Commander in the Navy, and was stationed in Annapolis last April; on Saturday, the 18th of April, received an invitation by telegraph to be present at a family reunion at Richard Harrington's house, in Washington, on Sunday, the 19th; attended the reunion and left on Monday morning. the 20th, Richard Marrington remaining at his house in Washington.

George McEifresh sworn-Is a detective officer on the Washington police force; arrested Mike Hayes last June; on the way to the station house ne said he had never seen Harrington but once before; he met him in the Congressional commit-tee room, and that was when he had called at Harrington's office about a counterfeit case. Wit-ness corroborated the statement of Detective Sargeant concerning Hayes asking Harrington

about ball.

Dr. James Osborn being sworn, said he practices medicine in Newark, N. J.; on the 23d of last April was called to visit a child of J. Nettieship; does not recohect seeing Nettieship at that visit; found the child sick with diphtheria, and directed the other two children to be separated from it; they were sent into the country with Mrs. Leach, their grandmother.

were sent into the country with Mrs. Leach, their grandmother.

Mrs. Leach was sworn, and testified that she is the mother-in-law of J. C. Nettieship; Nettleship was absent from home in April and returned April 23; witness let him in early in the morning; one of his children was sick and Nettleship directed pr. Osborn to be sent for; witness left in a day or two to carry the other children into the country. John Coyle, sworn—is a Methodist minister in Newark, N. J.; was called to Mr. Nettleship's house last June to attend the funeral of one of his children; Mrs. Nettleship is a member of use church; Nettleship borrowed \$25 of witness at that time; witness put the money into the hands of Hayes, who was outside with Nettleship; it consisted of five \$5 bills; witness did not near Nettleship give any directions to Hayes; nor did Nettleship give any directions to Hayes; nor did Nettleship give any directions to Hayes; nor did Nettleship tell witness to say anything to Hayes; witness passed then directly into the nouse.

By Mr. Davidge—What did Nettleship tell you after he came into the house? A. Nettleship came into the house and said to those present, "You little know what I borrowed that money for; I did it to put a thire into the hands of the committee in Washington to testify, and when he gets there he will be arrested."

Edward R. Cahoon sworn—Resided in New Jersey about seven years; is a merchant; was at the house of Nettleship on the decasion of the death of

door to answer a call of the bell and found Hayes there; he wanted to see Nettleship; witness tried to put him off, telling him the circumstances and asking him if he could not wait till morning; Hayes said he must see him that night as he had come a

long way and wanted to take the Washington train; it was about nine o'clock, and witness thought there was but little time and went in and told Nottleship; Nettleship went out in his shirrs sleeves, and witness observing that took the hat and coat of Nettleship out doors, and just as he opened the door beard Nettleship finish a sentence about going to Washington; Nettleship afterward came into the nouse and borrowed \$25 of witness and \$25 of Coyle, the latter going to his house after the money; Nettleship and Hayes afterward came into the house, and in a few minutes Hayes took his leavo.

Patrick Smith sworn—Mike Hayes introduced Zirruth to witness; Zirruth went with witness to hunt a man named Reed, for whom witness had a warrant; did not arrest the man; did not find him.

warrant; did not arrest the man; did not find him.

Cross-examined by Mr. Riddle—Witness did not help Blalord Wilson to work up this case; Wilson did not pay him \$50,000 to help. Mr. Riddle showed witness a paper and asked him if that was his signature. Witness identified it.

Mr Davidge said, "Let us see that paper."

Mr. Riddle—"90, we wil let you see it some other time," and returned it to his pocket. Nettleship paid witness to hunt up some other cases. William H. Reed sworn—Was formerly in the Secret Service division; knows Hâyes and Zirtuth; some time last March Hayes met witness and asked him if he wanted to get even with Nettleship; witness had been dismissed from the division and laid it to Nettleship, and was, therefore, very willing to help to put up a job on him; made an arrangement to meet Hayes in Newark and went over there, but saw Hayes talking with Gus Zirruth, and witness put back to New York, as he did not want anything to do with Zirruth; as the did not want anything to do with Zirruth, as the did not want anything to do with Zirruth, as he would have to go to Baltimore to help in the job against Nettleship.

The Court took a recess.

against Nettleship.

The Court took a recess.

AFFER RECESS,
the cross-examination of Reed was continued by Riddle.

the cross-examination of Reed was continued by Riddle.

Hayes tried to get witness to put up the job on Nettleship, on the last of March or the last of April; witness would not help on the job after Hayes toud him he would put Nettleship in the Penitentiary; he was willing to go a good ways on Nettleship, but did not want him to be sent to the Penitentiary; witness put down the meeting with Hayes in a memorandum book.

After witness had left the stand Mr. Davidge arose and said he feit it to be his duty to call the attention of the Court to the fact that during the recess, while this witness was going to his lunch, he was threatened with personal harm and violence by Zirruth and his party.

Mr. Hill replied, saying the threat took place in presence of himself and Riddle, and the loud words and threats came from both sides, and they (Riddle and Hill) checked it at once.

Mr. Riddle added that after one of the witnesses for the prosecution had testified he was assaulted by Colonel Whitley after he left the court room.

The Judge directed the Marshal to call back the witness, When he had come in the Court hesitated a few moments and then advised the parties not to meet each other outside, and said in this thing was repeated he would certainly order an investigation. He nesttated about using his power in the Premises at this time, although it was always best to correct an evin when it first exhibited itself. Witnesses and courts must be protected, and nothing of this kind must occur again.

Mr. Henkle said Colonel Whitley denied the

was always best to correct an evi when it first exhibited itself. Witnesses and courts must be protected, and nothing of this kind must occur again.

Mr. Henkie said Colonel Whitley denied the statement in regard to himself, when the Judge interrupted him, saying he was not investigating the case, but only giving warning.

John C, King sworn—is Assistant District Attorney in Newark; know Zirruth; he came to his office last winter and signed a receipt, which witness produced; in a bankrupt case Zirruth was appointed watchman, and after the case was adjuictated Zirruth put in a bill of \$175 for services; the bill was disputed, and, after some delay, the parties agreed to pay \$100 rather than have any trouble with Zirruth, who finally agreed to take it, and, in the absence of his principals witness drew up the receipt and Zirruth signed it; no other receipt was ever written in his office by Zirruth; Zirruth never copied or wrote a receipt for \$350 in the office of witness.

George C, Genet sworn—is a lawyer in New York; knows a Mr. Kirtland; Williams wanted to get Kirtland to testily before the Congressional Committee; witness remembered that Kirtland signed his name at that time as A. Buchanan, as witness took a telegram to the office or him with that signature; one despatch was sent to Harrington at a club house in Washington: copies of the despatches were shown to witness, and he identified them; they related to the coming of Kirtland to Washington.

Governor Shepherd, John O, Evans and Detective Clarvoe were called, but talled to respond, and after a few moments of temporary suspension for quiet till one of the witnesses arrived.

John A. W. Clarvoe, having been sent for, arrived, and was sworn by the Judge:—is the chief of the detective force at Washington; opies of the distribution of the distribution of the witness to come up to his house in the evening; went with Major Elehards to Barrington, and when he (Harrington called at his orice and wanted to see Major Kiohards, and invited witness to come up to his witness should not the outside part of the work and Harrington and Richards were to do the inside; witness detailed the occurrence of the burglary, which did not differ materially from the account heretofore given; witness took Whitams with him and said he saw two men come up first and then two others followed and joined them; also saw the big man come across from the bill-board and saw he was still a different man; saw the man come across and beat his lect on the sidewalk opposite the office, and witness came up to him and recognized him as one of his men he had first seen; after the burglars came out witness bade Wilhams good night to throw the burglars off the track and make them think he was going, and then started to follow the man with the bundle; while the burglar was watting at Alexander's house for an answer to the bell Harrington came over and witness told him he was afraid he should lose his man, and Harrington said, "Well, if you are afraid of that you had better go over and are arraid of that you had better go over and arrest him;" witness told Harrington before they started from Harringon's house he would bave the hardest part of the work to do, and Harrington said he would send A. B. Williams over to help and have him connect with witness at the corner of Four-and-a-Half street; when they were talking over the matter at Harrington's house Major Richards said it would be best to arrest the burglars while they were at work in the office, but it was finally agreed to follow and then arrest them.

them.

Mr. Davidge said he did not wish to dismiss the

witness until he had looked over his statement

witness until he had looked over his statement witness that he had noted over his statement to see if there were not some specific questions to be put to him, and he could not have access to the statement until the reporter had written it out. He, therefore, desired an adjournment until tomorrow morning.

No objection being made by the counsel for the government, the Court was adjourned until tomorrow.

MUNICIPAL NOTES.

The Board of Aldermen will meet at two o'clock to-morrow to take into consideration the estimates of 1875. as sub-committee, by the Board of Apportionment. No provision is made in the budget for the salaries of the Aldermen as Supervisors, Comptroller Green claiming that they are not entitled to such emolument.

It is rumored around the City Hall that Mr. John Kelly is about to discontinue the libel suit against Mayor Havemeyer and Nelson J. Waterbury. The Mayor Havemeyer and Nelson J. Waterbury. The friends of Mr. Relly say that the people have, by their verdict in the recent elections, thoroughly vindicated his character in his past official career, and that the charges trumped up against aim ought to be consigned to the waste basket as an exploded electioneering document. Those gentlemen say that Mr. Keny ought now to show his magnanimity by abandoning those suits, and let the venerable Mayor depart in peace to his home on the lst of January.

The New Court House was yesterday thronged with hundreds of laborers awaiting their turn to be paid off from the Comptroller's office.

Sheriff Conner has of late been frequently closeted with Comptroller Green in his private office. Has peace been patched up on the Sheriff county oills which the Comptroller has hitherto positively refused to pay?

AMHERST COLLEGE SPORTS. Interesting Contests in Running, Walking, Jumping and Base Ball.

AMHERST, Mass., Nov. 7, 1874.

To-day we had the athletic contests, which were the most successful of the season. During the fall Amherst College has not been defeated once in base ball, her regatta has shown that she has not forgotten how to row, while, to cap it all, her amateur athletes made a grand display of skill and muscie. The following is a list of the contests:-

1. A 100 yard dash. Won by Knight, '75. 10 seconds.
2. Base ball throw: three trials. The average (won by Whiliams, '70), 316 feet 5% inches. The longest single throw was made by Pratt, '76, Distance, 326 feet 9 inches.
3. Standing long jump; hop, skip and jump, and running jump. Won by Nash, '77. Total distance, 47 feet 11% inches. on Standing Jump. Won by Nash, '77. Total distance, 47 leet 11% inches.

4. A three mile walk. Won by Patton, '76. Time, 26:50.

5. High jump, without a board. Vinton, 75. 4 6. Sack race; 300 yards. Won by Saunders, '75. Time, 36 seconds.
7. Three legged race; 100 yards. Knight, '75, and Ely, '75. 12 seconds.
8. Two mile run. Easily won by Morell, '77. Time, 9. Wrestling; two out of three. Newman, of '77,

was awarded the prize.

10. One-half mile dash. Nicely won by Barber.

77, in 2:19. Suitable prizes were awarded to the victors in the several contests. '77 bore off the most valua-ble and honorable prizes, '75 coming next. '78 was without a champion.

FLEETWOOD PARK.

Third Fall Meeting-First Day-Two Trotting Contests-il. D. Walton and Lady Dahlman the Winners. Fleetwood Park was well attended yesterday afternoon to witness the two trotting contests announced to take place. The track was in excel-lent condition and the weather most delicious.

The first trot on the card was for horses that had never peaten three minutes previous to the closing of the entries, and of the eight entries four only came to the post. These were Ben Mace's bay gelding H. D. Waiton, P. Fleming's gray geiding Willie, A. Bourret's roan gelding T. E. Gordon and John Murphy's roan mare Lady Collier. The latter was the favorite previous to the start, but the betting changed throughout the race with the completion of each heat. Walton won the first, fourth and fith heats, Willie win-ning second money and Gordon the third pre-

The second trot was not a very interesting one. as Bonner, the favorite, did not come to the post. Lady Dahlman and Cora F had to contend for the

prizes alone. Lady Dahlman won the race in that straight heats, with the greatest case.

The First Trot.

First Heat.—H. D. Waiton took the lead, T. 1
Gordon second, Lady Collier third, Willie fourth
H. D. Waiton led one length at the quarte
pole, Lady Collier second, Willie third and
Gordon fourth. Time, 37% seconds, Lady Collien
went to the front on the lower turn and led a

length at the half-mile pole in 1:14, While second.
Watton third, Gordon fourth. Commg up the hill of the backstretch Willie outtrotted all the others and was first at the three-quarter pole. Waiton second, Gordon third, Collier fourth. Willie then broke up badly and all the others passed him. Waiton came in a winner by two lengths in 2:30%, Gordon second, Lady Collier third, Willie fourth.

Second Heal.—The field sold for \$100, Waiton \$95. Waiton took the tead, Gordon second, Collier third, Willie fourth. Gollier way to the quarter pole in 37% seconds, Lady Collier second, one length ahead of Willie, the latter leading Gordon one length. Going afound the lower turn Collier went to the front, Waiton having broken up and fallen in the rear, Willie second, Gordon, who was four lengths in front of Waiton. Coming up the initi Willie showed in front for a moment and then broke up, Lady Collier and Gordon, who was four lengths in front of Waiton. Coming up the initi Willie showed in front for a moment and then broke up, Lady Collier and Gordon passing him. When he recovered he gradually gained on the leaders, and after gotting into the homestretch he passed them both and came home a winner by two lengths, Gordon second, one length in front of Collier, who was five lengths in advance of Waiton. Time of the heat, 2:38%.

Third Heal.—Willie was the involte over the field at \$100 to \$20. Gordon had the best of the send-off, Willie second, Collier third, Waiton fourth. As the quarter pole, which was passed in 30 seconds, Lady Collier and was a neck in advance, as he pussed the post in 1:17, Gordon second, Lady Collier and was a neck in advance, as he pussed the post in 1:17, Gordon second, Walton third, Lady Collier far behind. Willie was the favorite over the field, at 3 to 1. He broke up just at the moment the word was given, and Waiton went away with the lead, Gordon second, who was eighty yards in front of Lady Collier and behind. Willie won the heat by a length, alton second willier half. Althe duarter pole, which wa

The Second Trot.

First Heat.—Dahlman was the favorite just as the horses started at \$100 to \$20. She trotted away from Cora on the road to the quarter pole in 38 seconds, and reached the half-mine pole nearly a distance in front of Cora F. in 1:16. Lady Dahlman jogged from there to the stand, winning by a couple of lengths in 2:47.

Second Heat.—No betting. Lady Dahlman jogged around and won the heat by ten lengths in 2:38%. She passed the quarter pole in 38 seconds and the naif-mile pole in 1:16%. Cora broke up several times during the race.

nali-mile pole in 1:16%. Cora broke up several times during the race.

Third Heat.—Cora F. took the lead and went to the quarter pole two lengths ahead of Lady Dahlman in 86 seconds. She kept in front to the half-mile pole and passed that point in 1:18%. Coming up the backstretch Cora E. broke up, and then Lady Dahlman took the lead, and coming on steadily won the heat and race by two lengths in 2:33%.

2:83%.

SUMMARY.

SAME DAY.—Purse \$500, for horses that have never beaten 2:31; \$250 to the first, \$150 to the second and \$100 to the third horse; mile neats, best three in five, in harness.

J. Murphy's br. m. Lady Daniman ... 1 1 1 H. Petersen's g. m. Cora F. ... 2 2 2 Time.

Quarter. Haly.

Eight heat ... 88 1:16 2:47

1:15% Second Day of the Third Pall Trotting

Meeting-Pool Selling Last Evening.

The third fall trotting meeting at Fleetwood

Park will be continued to-day with two eventsthe 2:24 and 2:38 purses. Pools were sold on these events last evening at Johnson's with the follow-

THE GREAT FOUR-MILE HEAT RACE IN CALIFORNIA.

SAN FRANCISCO, Nov. 10, 1874. In the sale of pools for the great running race on Saturday Tuad Stevens is the favorite, Katie Aipha, Henry Hardwood, Hubbard and Hock Hocking selling in the field.
Colonel Joe Daniels and J. P. Gage arrived here last night. Pease second choice, Joe Daniels third choice;

Inst night.

ANOTHER DESPATCH.

SAN FRANCISCO, Nov. 10, 1874.

The weather continues unfavorable for the postponed trotting march between Occident, Judge Fullerton and Chicago, announced for to-morrow.

Thad Stevens is the favorite in the pools for the great \$25,000 running race announced for next Saturday.

RASE RALL

BASE BALL

Benefit of a Disabled Player. The Reliance Club of Brooklyn will play a picked nine of amateurs on the Union Grounds to-morrow for the benefit of Charles Hodes, who is now confined to his bed sick. Mr. Hodes first made his confined to his bed sick. Air. Hodes first made his appearance as a player in the Eckford Club. He then went to Chicago to play with the White stockings, of that city, and afterwards returned to Brooklyn. He was one of the regular nine of the Atlanuc Club early in the last season, but, owing to sickness, being unable to attend the duties of a professional player, he retired and joined Reliance Amateurs. He is deserving of a good benefit. It is hoped that this benefit will prove a substantial one.

ARREST OF A BOSTON THIEF.

Deputy Superintendent Ham, of Boston, wrote to Captain Irving a few days ago requesting that two men, who had stolen property to the amount of \$4,000, and who were known to have come to this city, be arrested. Captain Irving detailed Detectives finy and Hiedelberg to ferret out the thieves, and yesterday they succeeded in arresting a man who was in the employ of Mrs. De Camp, at No. 181 Lexington avenue, as a servant. The prisoner, who was locked up at the Central Office, answers perfectly the description seat from Boston.